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Please reply to JOHN WELLS KING  
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September 19, 2005

Our File No. 21957-00100-60

**VIA HAND DELIVERY**

DOCKET FILE COPY ORIGINAL

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RECEIVED

SEP 19 2005

Federal Communications Commission  
Office of Secretary

Re: MB Docket 05-248  
RM-11262  
Amendment of FM Table of Allotments  
Midway, Falmouth and Owingsville, Kentucky

Dear Ms. Dortch:

On behalf of Hammond Broadcasting, Inc., I transmit herewith the original and four copies of "Comments of Hammond Broadcasting, Inc. In Opposition to the Notice of Proposed Rule Making and Order to Show Cause."

Kindly communicate any questions directly to this office.

Respectfully submitted,

  
John Wells King

Enclosures

cc: Sally A. Buckman, Esq.  
John F. Garziglia, Esq.  
Dennis J. Kelly, Esq.

JWK:yg

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List A B C D E

Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

SEP 19 2005

Federal Communications Commission  
Office of Secretary

In the matter of )

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MB Docket No: 05-248

Amendment of Section 73.202(b), )

RM-11262

Table of Allotments, )

FM Broadcast Stations. )

(Midway, Falmouth and Owingsville, )

Kentucky) )

TO: The Chief, Audio Division, Media Bureau

**COMMENTS OF HAMMOND BROADCASTING, INC.  
IN OPPOSITION TO THE  
NOTICE OF PROPOSED RULE MAKING AND  
ORDER TO SHOW CAUSE**

Hammond Broadcasting, Inc. ("Hammond"), by its attorneys and pursuant to Sections 1.87, 73.415 and 73.420 of the Commission's rules, herewith submits its comments in opposition to the proposal advanced by L.M. Communications of Kentucky, LLC ("LMC"), which the Commission has proposed for adoption in the above-captioned proceeding.<sup>1</sup> The operation of Hammond's WIOK(FM), Falmouth, Kentucky, on Channel 300 poses a serious

<sup>1</sup> Although ¶ 11 of the Notice sets September 19, 2005, as the deadline for filing comments in this proceeding, ¶ 8 specifies September 12, 2005, as the deadline for comments in response to the Order to Show Cause. Hammond believes this to be a clerical error in preparation of the Notice, and that fairness would dictate the same comment date be established for all parties, including interested parties such as Hammond. This appears to be the Commission's standard practice in Notice and Order to Show Cause cases. See the unitary comment dates specified in, for example, *Clatskanie, Oregon, Long Beach and Ilwaco, Washington*, 19 FCC Rcd 23598 (MB 2004); *Americus and Emporia, Kansas*, 20 FCC Rcd 6265 (MB 2005); *Dalhart and Perryton, Texas*, 20 FCC Rcd 6197 (MB 2005); *Fishers, Lawrence, Indianapolis and Clinton, Indiana*, 20 FCC Rcd 4303 (MB 2005); and *Atwood, Kansas, McCook, Nebraska, Burlington and Flagler Colorado*, 20 FCC Rcd 2250 (MB 2005). If Hammond is mistaken in its belief, then leave is respectfully requested to file comments within the comment period established for all other parties, in order for the Commission to have the benefit of a full and complete record. By granting leave, no party will be harmed but fairness to Hammond will be achieved.

risk of intermodulation interference to FAA localizer frequencies. It would obliterate two low power FM facilities – one licensed on Channel 300, and another authorized on Channel 298. It would render for naught Hammond's considerable efforts to establish "107.5 Tri-State Gospel" throughout its service area. It would jeopardize Hammond's outreach to a substantial Hispanic population in Central Kentucky. For its comments in opposition, Hammond states as follows:

### Background

1. The captioned proposal has as its principal objective the upgrade of LMC's Station WBTF(FM), at Midway, Kentucky, from a Class A operation on Channel 300, to a Class C3 facility on Channel 298. Two other changes in the FM Table of Allotments are necessary in order to accomplish this: 1) WKCA(FM), at Owingsville, Kentucky, must move from Channel 299A to Channel 295A, and must change transmitter sites; and 2) Hammond's WIOK must move from Channel 298A to Channel 300A.<sup>2</sup>

### Interference to FAA Localizer Frequencies

2. Attached hereto and incorporated herein by reference is the sworn Engineering Statement of Hammond's consulting engineer, Donald G. Everist, of the consulting engineering firm of Cohen, Dippell and Everist, P.C. Mr. Everist attaches a study of the implications of the WIOK channel change performed by Gary M. Allen, Ph.D., J.D., President and General Counsel of Aviation Systems, Inc., aviation consultants.

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<sup>2</sup> At ¶2, the Notice erroneously refers to WIOK's licensed channel as 299A.

3. Dr. Allen studied the potential for electromagnetic interference (“EMI”) to regional air navigation aid (“Navaid”) signals of concern to the Federal Aviation Administration (“FAA”). He concludes that a WIOK operation on Channel 300 would greatly exacerbate interference on an FAA localizer into Cincinnati/Northern Kentucky International Airport (“CVG”).

4. The interference would occur on Navaid JDP LOC serving CVG’s Runway 27. The current level of existing intermodulation products is low, according to Dr. Allen’s study, consisting of two combinations, producing a worst case of 167 horizontal points, and no vertical points. The present condition is of no concern to the FAA, Dr. Allen states, because the hits occur in the extreme reaches of the frequency protected service volume, far from the course heading.

5. By contrast, the proposed WIOK Channel 300 operation would have a devastating impact on JDP LOC, according to Dr. Allen. His study revealed 11 combinations of three-signal intermodulation products, producing a worst case of 2,914 horizontal points, and 28 vertical points. The study also shows two new combinations of two-signal intermodulation products, producing 95 horizontal points. Dr. Allen observes that the numbers do not tell the whole story:

[A]ctually the impact is even more severe than suggested by the tabulations since the Channel 300 scenario has not only a substantial number of hits but also heavy concentrations along the course heading through the frequency protected service volume.

6. Mr. Everist notes that the FAA on numerous occasions “has expressed strongly its intention to protect the airspace service volume from predicted EMI caused by

broadcast facilities.” Based upon his considerable experience in this field, Mr. Everist advises that the FAA consistently has expressed its vital interest in effects on its ILS system by FM broadcast facilities, including frequency changes, and that the FAA has been steadfast in protecting the service volume from broadcast EMI.

7. The Commission generally presumes that a technically feasible site is available at the allotment stage. That presumption, however, is rebuttable. *Kimberly, Idaho*, 15 FCC Rcd 10298 (MMB 2000). When the availability of a potential transmitter site is raised in comments, the Commission will then make a determination on the reasonable likelihood that the proposed site is in fact available. *Montauk, New York*, 19 FCC Rcd 2089 (MB 2004). Here, LMC and the Commission may have presumed that the existing WIOK transmitter site is a technically feasible site for operation on Channel 300A, but the Allen analysis and the Everist study rebut that presumption. There is clearly a serious issue as to the ability of WIOK to operate on Channel 300A. Hammond submits that on this record, the issue must be resolved against the proposal. The serious threat of interference to FAA localizer frequencies requires denial of the channel substitution for WIOK.

### The Proposal Will Terminate the Operation Of Two LPFM Stations

8. The rearrangement of frequencies proposed by LMC will have a devastating impact on two low power FM stations. Though secondary in nature, the LPFM service is nonetheless a service which the Commission highly values and is committed to protecting. In its Report and Order establishing the Low Power FM Radio Service, the Commission said,

“we want to foster a stable and enduring LPFM service.”<sup>3</sup> The Commission acknowledged the difficult responsibility of achieving that goal:<sup>4</sup>

Once an LPFM station is built and operating, we wish to permit it to continue operating on its channel, wherever possible, as the radio environment changes around it. We want to minimize, to the extent possible, the situations in which we would require an LPFM station to change its channel or cease operating.

The LMC proposal would take a terrible toll on the LPFM service, simply to enable WBTF to expand its service in the Lexington, Kentucky, market. It would terminate the operation of two LPFM stations.

9. WRHX-LP, an LP100 low power FM station licensed to Richwood, Kentucky, currently operates on Channel 300 with ERP of 37 watts at a height of 48 meters above average terrain. Its transmitter site<sup>5</sup> is 37.8 km (23.5 miles) from the WIOK transmitter site. Section 73.807(a)(1) of the Commission’s rules requires an LP100 station to maintain a minimum distance separation of 67 km (41.6 miles) from a co-channel Class A FM broadcast station. If WIOK is ordered to operate on Channel 300A, WRHX-LP will be short-spaced to WIOK by nearly 30 km, or 18 miles.

10. That WIOK operating on Channel 300 would create serious interference to WRHX-LP is a given. Section 73.807(a)(1) specifies (for informational purposes only) a minimum distance of 92 km (57 miles) from a co-channel Class A FM broadcast station for interference-free LPFM service. A Channel 300 operation by WIOK will have invaded that

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<sup>3</sup> *Report and Order, MM Docket No. 99-25, FCC 00-19, released January 27, 2000, at ¶ 62.*

<sup>4</sup> *Id.*

<sup>5</sup> Authorized coordinates are 38° 52’ 42” North Latitude, 84° 35’ 8” West Longitude.

space by nearly 54 km (35 miles). Substitution of Channel 300A for WIOK will most certainly signal the termination of operation by WRHX-LP.

11. The situation is even more aggravated with respect to a new low power FM authorized in March 2005 to Calvary Chapel of Lexington, Inc., Facility ID 133180. It is an LP100 facility licensed to Lexington on Channel 298 with ERP of 22 watts at a height of 62 meters above average terrain. Its transmitter site<sup>6</sup> is 17 km (10.5 miles) from the coordinates specified for the Midway allotment.<sup>7</sup> Section 73.807(a)(1) of the Commission's rules requires an LP100 station to maintain a minimum distance separation of 78 km (48.5 miles) to a co-channel Class C3 FM broadcast station. If the LMC proposal is adopted, the Lexington LPFM will be short-spaced to the Midway allotment by nearly 61 km, or 40 miles. The information-only interference-received separation for Class C3 into LP100 facilities is 119 km (74 miles). Clearly, grant of the LMC proposal will spell the death of the co-channel Lexington LPFM station.

12. To enable LMC to expand its service area at the expense of two other broadcast services is palpably not consistent with the public interest. Indeed, it is a most inefficient allocation of the broadcast spectrum. For these reasons, the Commission should decline to adopt the LMC proposal.

### WIOK is "107.5 Tri-State Gospel"

13. The attached declaration of Gilbert Hammond, President and 50 percent owner of Hammond, states that WIOK broadcasts a combination of gospel music and quality

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<sup>6</sup> Authorized coordinates are 37° 58' 2" North Latitude, 84° 28' 39" West Longitude.

<sup>7</sup> 38° 6' 25" North Latitude, 84° 33' 19" West Longitude, Notice at 2, n. 5.

Christian teaching programs 24 hours a day, seven days a week. The station is unique in its location because its signal extends into the Cincinnati, Ohio, and Lexington, Kentucky, metro areas. WIOK is the only Christian radio station that serves audiences in both the Cincinnati and Lexington markets. It is Falmouth's only radio station.

14. Mr. Hammond explains that "We identify ourselves to the public as '107.5 Tri-State Gospel.' We do not promote the call letters 'WIOK' extensively because that does not tell one where the station can be found on the FM dial."

15. Hammond has worked hard to establish itself at 107.5 FM. Mr. Hammond states:

More than 30,000 bumper stickers have been printed that zero in on 107.5 FM. Almost 28,000 of them have been distributed throughout our listening area. We have had 2,000 ball caps; 5,000 T-Shirts; 50,000 flyers; 10,000 sheets of stationery; 10,000 calling cards; and 1,000 sets of sales material prepared to get the 107.5 name out to the public. In addition, we have had billboards, signs, 10,000 pens, 10,000 key chains, booklets, and an assortment of other promotional materials prepared for promotional use. This is not an exhaustive list, but is simply illustrative of what we have done.

16. Commission policy and precedent have long established that whenever an existing licensee or permittee is ordered to change frequencies to accommodate a new or modified channel allotment, Commission policy requires the benefiting party to reimburse the affected station for costs incurred. See *Circleville, Ohio*, 8 FCC2d 159 (1967). Hammond recognizes that LMC proposes to reimburse Hammond for the reasonable costs associated with changing to Channel 300A. That, however, does not compensate Hammond for the



considerable expenses it has incurred in building recognition of its “107.5 Tri-State Gospel” broadcast service.<sup>8</sup>

17. As Mr. Hammond states:

. . . all of our work in building a name for our Christian radio service at 107.5 would be for naught. The time, effort, and money we have spent on identifying ourselves as “107.5 Tri-State Gospel” will have been completely wasted. Although we broadcast on commercial radio stations, we operate on an essentially non-profit basis, and we struggle to get the funds needed to continue operation.

18. Hammond respectfully submits that the unique circumstances of WIOK’s service to Falmouth, and the nature of its broadcast service to Central Kentucky, augur against forcing the station to undergo a channel change.

### Jeopardy to Hispanic Outreach

19. Through commonly-owned AM Station WYGH in Paris, Hammond broadcasts more than nine hours of programming daily to a significant Hispanic population in Central Kentucky. The licensee has concentrated on supplying information to the Hispanic community out of a perceived need for this broadcast outreach. The burden of changing channels, regardless of reimbursement, and the resulting disruption of an established flow of funds, will jeopardize Hammond’s ability to continue the service to the Spanish-speaking community in the Central Kentucky area. Mr. Hammond states that the channel change will force Hammond to curtail, if not eliminate, the specialized programming. The risk of the loss of such specialized programming posed by the LMC proposal does not serve the public interest.

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<sup>8</sup> Indeed, such reimbursement would appear to be prohibited as a payment in excess of the legitimate and prudent expenses incurred by Hammond in changing channels. See *Georgetown, Mason, Oxford and West Union, Ohio, and Salt Lick, Kentucky*, 20 FCC Rcd 12976 (MB 2005).

## Conclusion

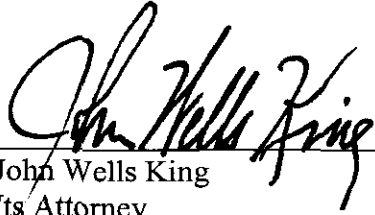
20. The proposal to change the allotted channel for WIOK from Channel 299 to Channel 300 is a bad idea. It will cause serious interference to FAA localizer frequencies at Cincinnati/Northern Kentucky International Airport. It will destroy two Low Power FM stations. It will annul significant efforts by the licensee to build its service as "107.5 Tri-State Gospel." It will put at risk the licensee's program service to the Hispanic community in Central Kentucky.

21. For the foregoing reasons, Hammond respectfully submits that it has shown good cause why the license for WIOK should not be modified to specify operation on Channel 300A. Such action would be contrary to the public interest. Hammond requests that the Commission decline to adopt the LMC proposal, and terminate this proceeding without amending the Table of Allotments.

Respectfully submitted,

**HAMMOND BROADCASTING, INC.**

By:

  
John Wells King  
Its Attorney

**GARVEY SCHUBERT BARER**  
1000 Potomac Street NW, Fifth Floor  
Washington DC 20007  
Tel: 202/965-7880  
Email: jking@gsblaw.com

September 19, 2005

ENGINEERING STATEMENT  
RE WIOK(FM)  
ON BEHALF OF  
HAMMOND BROADCASTING, INC.  
NOTICE OF PROPOSED RULEMAKING  
AND ORDER TO SHOW CAUSE  
MB DOCKET NO. 05-248 (RM-11262)

SEPTEMBER 2005

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington            )  
  ) ss  
District of Columbia        )

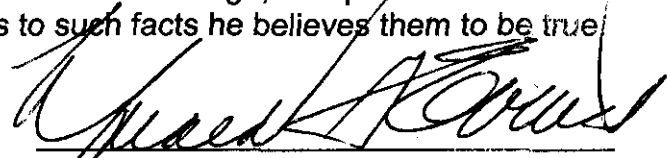
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President, Secretary and Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

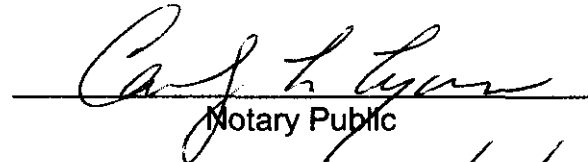
That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true



Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 9<sup>th</sup> day of September, 2005.

  
Notary Public

My Commission Expires: 2/28/2008

This engineering statement has been prepared on behalf of Hammond Broadcasting, Inc, licensee of WIOK(FM), Falmouth, Kentucky and is in response to the *Notice of Proposed Rule Making and Order to Show Cause*, DA 05-2219, MB Docket No. 05-248 (RM-11262), released July 29, 2005, and hereby requests that the Commission deny the proposal to amend section 73.202(b), Table of Allotments, FM Broadcast stations, by L.M. Communications of Kentucky, LLC("LMC") as it applies to the change in channel for Falmouth, Kentucky.

LMC has proposed to amend the FM Table of Allotments by substituting channel 300A for channel 298A for WIOK(FM), Falmouth, KY. WIOK(FM) is licensed to operate on channel 298A (107.5 MHz) with 1.35 kW ERP at 212 meters height above average terrain ("HAAT").

An aeronautical consultant, Dr. Gary Allen, Ph.D., J.D., and President and General Counsel for Aviation Systems Inc., aviation consultants has performed an evaluation of the electromagnetic interference potential using the Federal Aviation Administration's Airspace Analysis Model Version 5.0.7. Based on this analysis, Dr. Allen finds the potential of severe interference to existing Federal Aviation Administration ("FAA") airspace facilities. On numerous occasions, the FAA has expressed strongly its intention to protect the airspace service volume from predicted electromagnetic interference caused by broadcast facilities. As shown by Dr. Allen's analysis the change in operation from Channel 298 (107.5 MHz) to Channel 300 (107.9 MHz) is predicted to impact existing FAA facilities. The affiant has participated domestically in numerous meetings with FAA and broadcast industry representatives regarding EMI issues. This includes being a member during this period of the Association of Federal Communications Consulting Engineers' Aeronautical Committee. The affiant also participated in an international meeting as an industrial

delegate to the U.S. government in Helsinki, Finland, JIWP-8-10/1, August 1988 regarding compatibility problems between aeronautical and broadcast operations. FAA and the Federal Communications Commission also were in attendance at this international meeting. All the above efforts were paid and solely supported by this firm.

On numerous occasions, the FAA has both domestically and at international meetings expressed its desire to evaluate changes to its ILS system by an FM broadcast facility including a frequency change. The FAA has consistently indicated its intention to protect the service volume from broadcast EMI.

As shown by Dr. Allen's analysis, severe interference is predicted to result by the proposed channel change. Further, if Channel 300 is assigned to WIOK(FM), this will hamper any future efforts to improve this facility by introducing another significant federal government hurdle.



September 9, 2005

Mr. Donald Everist  
Cohen Dippell and Everist, P.C.  
1300 L Street, NW  
Washington, DC 20005

Re: EMI Study of WIOK (FM) Falmouth, KY

Dear Mr. Everist:

As requested by Cohen Dippell and Everist we have conducted a study of the implications of changing WIOK from Channel 298 (107.5 MHz) to Channel 300 (107.9 MHz) with respect to potential electromagnetic interference ("EMI") to regional air navigation aid ("Navaid") signals of concern to the Federal Aviation Administration ("FAA").

The evaluation was done with the FAA Airspace Analysis Model ("AAM") Version 5.

The data for WIOK antenna programmed into the AAM were as follows:

SITE	LATITUDE (N)	LONGITUDE (W)	RAD CTR (AMSL)	PWR (in KW)
WIOK	38°35'13"	84°21'40"	435 m	1.35

A search of the Navaid database indicated that there are 22 Localizers ("LOC") within 60 nautical miles ("NM") of WIOK. These LOCs are the component of Instrument Landing System ("ILS") which provide course guidance to aircraft operating in the navigable airspace to enable landings at their destination airports. Of these 22 LOCs, the ten of concern to the FAA are listed below. LOC simulations were run horizontally at the bottom of the Frequency Protected Service Volume ("FPSV") and vertically through the localizer course heading.

NAVAID	AIRPORT	FREQUENCY	LATITUDE	LONGITUDE	RUNWAY
JDP LOC	Northern Kentucky Intl.	108.7 MHz	39°02'47"	84°41'55"	27
XWI LOC	Fleming-Mason Airport, Flemingsburg	109.15 MHz	38°32'20"	83°45'09"	25
CVG LOC	Northern Kentucky Intl.	109.9 MHz	39°04'04"	84°40'07"	36C
FFT LOC	Capital City Airport, Frankfort	109.95 MHz	38°10'41"	84°54'58"	24

CIZ LOC	Northern Kentucky Intl.	110.15 MHz	39°01'49"	84°38'49"	18
EEI LOC	Northern Kentucky Intl.	110.35 MHz	39°03'30"	84°38'48"	36R
EEI LOC	Northern Kentucky Intl.	110.35 MHz	39°01'31"	39°38'48"	36R
GNJ LOC	Blue Grass Airport, Lexington	110.5 MHz	38°01'22"	84°37'14"	22
VAC LOC	Northern Kentucky Intl.	110.75 MHz	39°04'25"	84°41'01"	36R/C
URN LOC	Northern Kentucky Intl.	111.9 MHz	39°02'47"	84°39'04"	09

The AAM predicted the following EMI potential at the respective NavAids for a WIOK at 107.9 MHz scenario:

NAVAID	A2/B2 OVERLOAD	2-SIGNAL INTERMOD	3-SIGNAL INTERMOD
JDP LOC	0	2 combos: worst case 95 H Pts. 0 V Pts.	11 combos: worst case 2914 H Pts. 28 V Pts.
XWI LOC	0	0	0
CVG LOC	0	0	0
FFT LOC	0	0	0
CIZ LOC	0	0	0
EEI LOC	0	0	0
EEI LOC	0	0	0
GNJ LOC	0	0	0
VAC LOC	0	0	0
URN LOC	0	0	0



For WIOK at its current frequency of 107.5 MHz the AAM found the following:

NAVAID	A2-B2 OVERLOAD	2-SIGNAL INTERMOD	3-SIGNAL INTERMOD
JDP LOC	0	0	2 combos: worst case 167 H Pts. 0 V Pts.
XWI LOC	0	0	0
CVG LOC	0	0	0
FFT LOC	0	0	0
CIZ LOC	0	0	0
EEI LOC	0	0	0
EEI LOC	0	0	0
GNJ LOC	0	0	2 combos: worst case 91 H Pts. 0 V Pts.
VAC LOC	0	0	0
URN LOC	0	0	0

### Conclusion

As can be seen in the tabulations above, changing WIOK to Channel 300 (107.9 MHz) would produce a much worse EMI condition than does WIOK at its current Channel 298 (107.5 MHz). And, actually the impact is even more severe than suggested by the tabulations since the Channel 300 scenario has not only a substantial number of hits but also heavy concentrations along the course heading through the frequency protected service volume ("FPSV"). For the existing Channel 298 the low numbers of hits are actually in the extreme reaches of the FPSVs far from the course heading and would be of no concern to the FAA. Plots of the worst cases are attached.

Thank you for the opportunity to be of service. We look forward to assisting you again in the future.

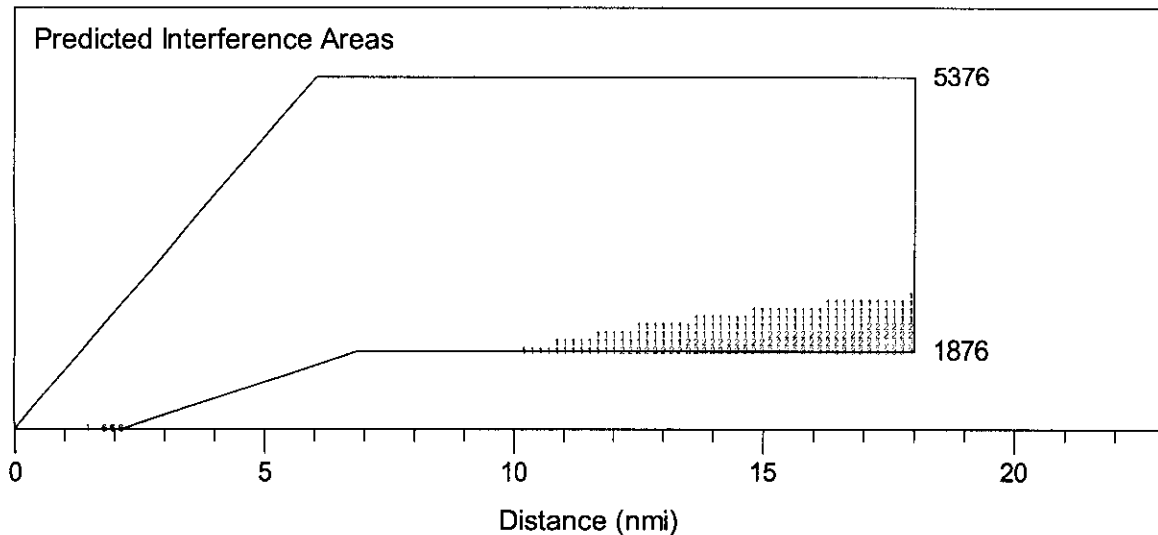
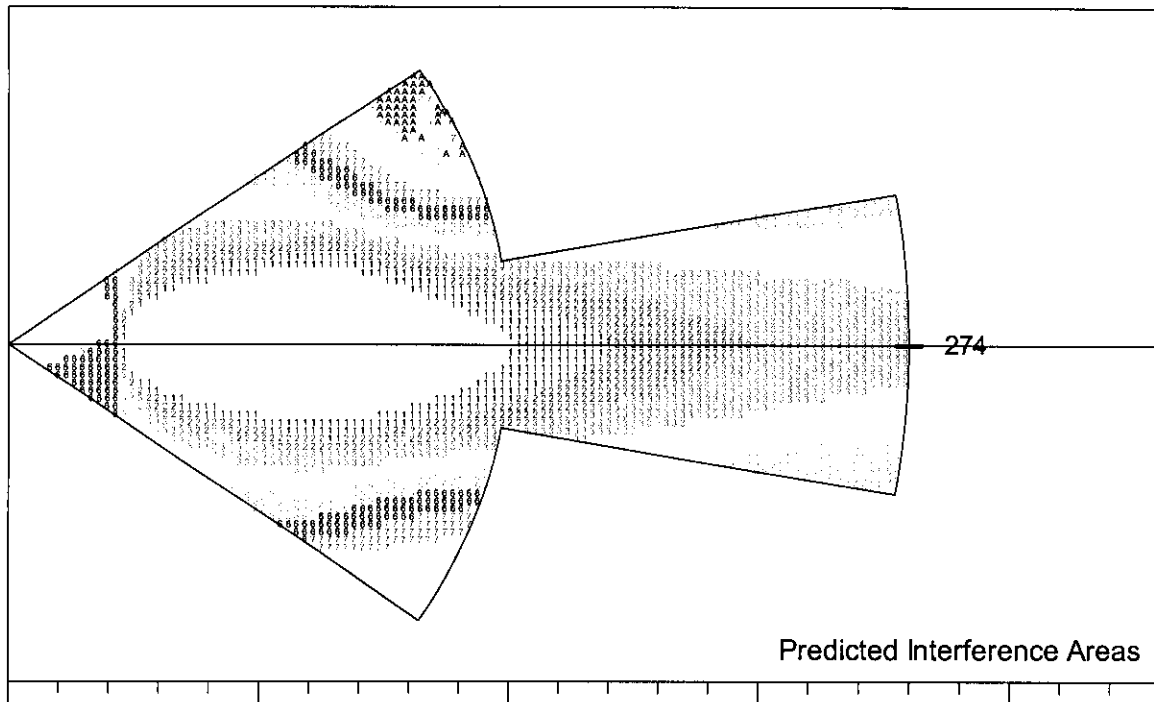
Sincerely,



Gary M. Allen, Ph.D., J.D.  
President and General Counsel

Attachments

## Airspace Analysis Model Plot



Airspace Case:

Site:

Date: 09/08/05 Plot File: 2S\_2R\_2Q.plt

Intermod (B1) plot: WRHX (100), PROP ( 99), & WKFS ( 98)

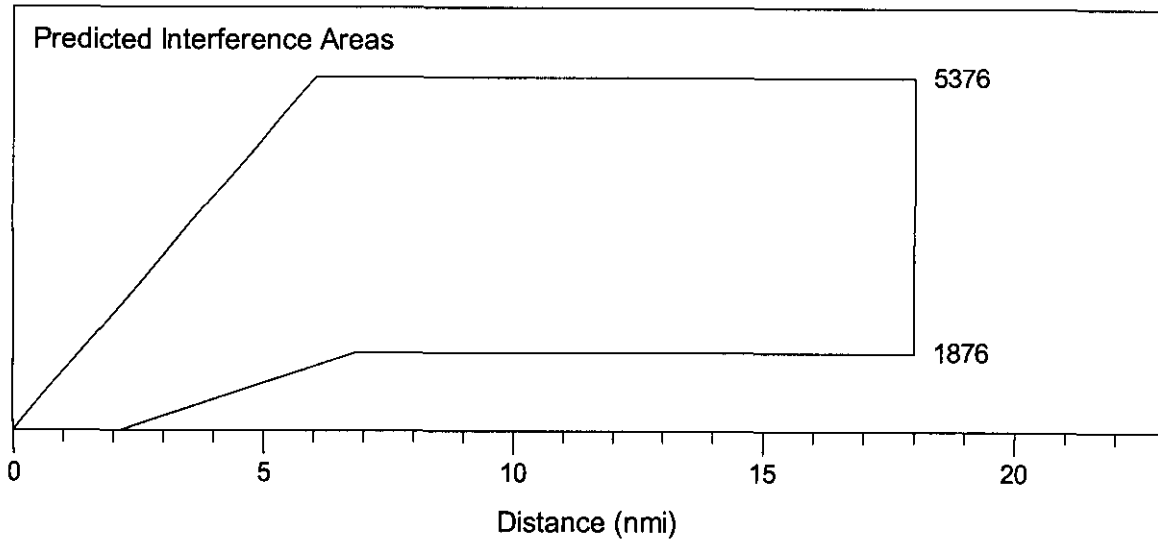
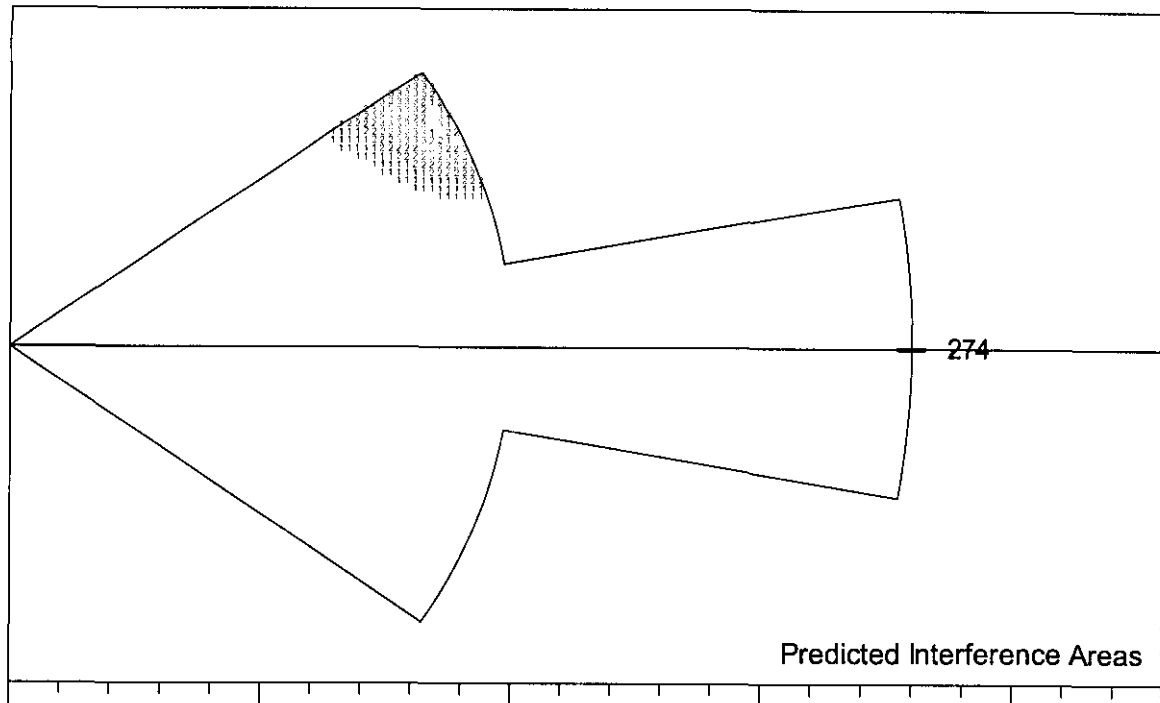
Frequencies: WRHX = 107.900 PROP = 107.900 WKFS = 107.100 MHz

Navaid: JDP Frequency: 108.7 MHz Elevation: 876 ft MSL

Runway Heading: 274°

Grid Orientation: Bottom of service volume Selected heading: 274°

## Airspace Analysis Model Plot



Airspace Case:

Site:

Date: 09/08/05 Plot File: 2R\_2Q\_2K.plt

Intermod (B1) plot: PROP ( 99), WKFS ( 98), & WPFB ( 92)

Frequencies: PROP = 107.500 WKFS = 107.100 WPFB = 105.900 MHz

Navaid: JDP Frequency: 108.7 MHz Elevation: 876 ft MSL

Runway Heading: 274°

Grid Orientation: Bottom of service volume Selected heading: 274°

## DECLARATION OF GILBERT HAMMOND

I, Gilbert Hammond, under penalty of perjury, do hereby declare and state as follows.

1. I am President and 50 percent owner of Hammond Broadcasting, Inc. My wife Janet is Vice President and owner of the remaining 50 percent of the company.

2. Hammond Broadcasting, Inc., is the licensee of FM Station WIOK in Falmouth, Kentucky. It is also the licensee of a Central Kentucky AM station, WYGH in Paris, and a Southern Kentucky AM station, WIDS in Russell Springs. WIOK has been Falmouth's only radio station since it went on the air in 1989. We bought the station in 1993. WIOK broadcasts a combination of gospel music and quality Christian teaching programs 24 hours a day, seven days a week. The station is unique in its location because its signal extends into the Cincinnati, Ohio and Lexington, Kentucky metro areas. WIOK is the only Christian radio station that serves audiences in both the Cincinnati and Lexington markets.

3. We identify ourselves to the public as "107.5 Tri-State Gospel." We do not promote the call letters "WIOK" extensively because that does not tell one where the station can be found on the FM dial.

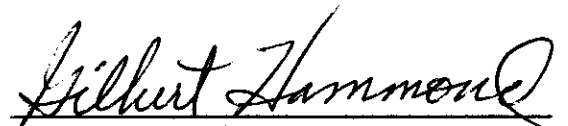
4. We have worked hard to establish ourselves as broadcasters at 107.5 FM. More than 30,000 bumper stickers have been printed that zero in on 107.5 FM. Almost 28,000 of them have been distributed throughout our listening area. We have had 2,000 ball caps; 5,000 T-Shirts; 50,000 flyers; 10,000 sheets of stationery; 10,000 calling cards; and 1,000 sets of sales material prepared to get the 107.5 name out to the public. In addition, we have had billboards, signs, 10,000 pens, 10,000 key chains, booklets, and an assortment of other promotional materials

prepared for promotional use. This is not an exhaustive list, but is simply illustrative of what we have done.

5. If WIOK were required to change its frequency to 107.9 MHz, all of our work in building a name for our Christian radio service at 107.5 would be for naught. The time, effort, and money we have spent on identifying ourselves as "107.5 Tri-State Gospel" will have been completely wasted. Although we broadcast on commercial radio stations, we operate on an essentially non-profit basis, and we struggle to get the funds needed to continue operation.

6. The additional expense and serious disruption of our operation caused by having to switch WIOK to 107.9 FM may cause us to have to cease our Spanish outreach of over nine hours daily over our sister station WYGH. For several years we have responded to the need to reach the significant Hispanic population in the Central Kentucky Area by radio. We have concentrated on supplying information to the Hispanic community out of a perceived need for broadcast outreach. The added expense of switching and the disruption of an established flow of funds will most likely force us to curtail if not eliminate the service to the Spanish-speaking community in the Central Kentucky area.

I declare the foregoing to be true and correct of my personal knowledge.

  
Gilbert Hammond

Dated: September 19, 2005

## CERTIFICATE OF SERVICE

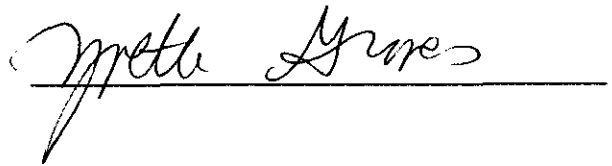
The undersigned, an employee of Garvey Schubert Barer, hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, to the following:

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A handwritten signature in cursive script, appearing to read "Matthew Green", is written over a horizontal line.

Date: September 19, 2005